

161—3.10 (216) Right to sue.

3.10(1) *Request for right to sue.* After the expiration of 60 days from the timely filing of a complaint with the commission, the complainant may request a letter granting the complainant the right to sue for relief in the state district court.

3.10(2) *Conditions precedent to right to sue.* Upon a request under subrule 3.10(1), the commission shall mail to the complainant a right-to-sue letter where the following conditions have been met.

- a.* The complaint was filed with the commission as provided in rule 161—3.5(216);
- b.* The complaint has been on file with the commission for at least 60 days;
- c.* The right-to-sue request has been submitted in writing with the signature of the complainant or the complainant's representative, unless otherwise prohibited by state or federal rules or contractual agreements. Electronic signatures are permissible for right-to-sue requests;
- d.* The date of request is listed as well as the corresponding state and federal case numbers.

3.10(3) *Letter of right to sue.* Where the above conditions have been met, a right-to-sue letter will be mailed stating that complainant has a right to commence an action in the state district court within 90 days of the date of mailing of the right-to-sue letter.

3.10(4) *Exceptions to issuance of right to sue.* Notwithstanding the provisions of any other rule a right-to-sue letter shall not be sent if on the date the request for a right to sue was filed any of the following is true:

- a.* A finding of “no probable cause” has been made on the complaint by the administrative law judge charged with that duty under Iowa Code subsection 216.15(3); or
- b.* A conciliation agreement has been executed under Iowa Code section 216.15; or
- c.* The commission has served notice of hearing upon the respondent pursuant to Iowa Code subsection 216.15(5); or
- d.* The complaint has been administratively closed and two years have elapsed since the issuance date of the administrative closure; or
- e.* A finding that the complaint was not timely filed has been made by the commission pursuant to rule 161—3.9(216) or by the administrative law judge charged with the duty of determining “probable cause” under Iowa Code subsection 216.15(3); or
- f.* A finding that the commission does not have jurisdiction of the complaint has been made pursuant to rule 161—3.9(216) or by the administrative law judge charged with the duty of determining “probable cause” under Iowa Code subsection 216.15(3).

3.10(5) *Closure by commission.* When the commission has sent a right-to-sue letter, a commission staff member shall close the case by an administrative closure. Notice of the closure shall be mailed to all parties.